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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TT

Office Action Summary	Application No. 09/656,025	Applicant(s) Kee
	Examiner Temica M. Davis	Art Unit 2685
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Sep 6, 2000</u>		
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-18</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-18</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>3</u>		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

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DETAILED ACTION

Drawings

1. The drawings are objected to because of the following informality: In figure 4, step ST16, "mimory" should read --memory--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1, 2, 6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Alanara, U.S. Patent No. 6,064,880.

Regarding claim 1, Alanara discloses a backup method for user data stored in a first mobile terminal to a second mobile terminal (new mobile station) (col. 6, lines 11-18), the method comprising the steps of: (a) transmitting the user data of the first mobile terminal to a base station (BMI 32; figure 2) to be stored in the base station (col. 5, lines 5-11, lines 30-32 and lines 44-46; figure 3A); and (b) downloading the user data stored in the base station to the second mobile terminal (col. 5, line 63-col. 6, line 18; figure 3B).

Regarding claim 2, Alanara discloses the method of claim 1, wherein the step (a) includes the steps of: transmitting a backup request signal from the first mobile terminal to the base station by connecting the first mobile terminal with the base station (figure 2) (col. 2, lines 23-27, col. 4, lines 49-53); transmitting a response signal from the base station to the first mobile terminal in response to the backup request signal (col. 5, lines 1-5); transmitting the user data from the first mobile terminal to the base station if the response signal is identified (col. 5, lines 5-11); and storing the user data in the base station (col. 5, lines 30-32 and lines 44-46).

Regarding claim 6, Alanara discloses the method of claim 1, wherein the step (b) includes the steps of: transmitting a download request signal (which reads on the SCM Request/Restore message) from the second mobile terminal to the base station by connecting the second mobile terminal with the base station (col. 2, lines 23-27, col. 5, lines 47-50 and col. 6, lines 11-18); transmitting the user data which received the download request signal, from the base station to

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the second mobile terminal (col. 5, lines 58-63); and storing the user data in the second mobile terminal (col. 5, lines 63-66 and col. 6, lines 11-18).

Regarding claim 11, Alanara discloses a backup method for user data in a mobile terminal comprising the steps of: transmitting a backup request signal for user data of a first mobile terminal to a base station by connecting the first mobile terminal with the base station (col. 2, lines 23-27, col. 4, lines 49-53); transmitting a response signal from the base station to the first mobile terminal in response to the backup request signal (col. 5, lines 1-5); transmitting the user data from the first mobile terminal to the base station if the response signal is identified (col. 5, lines 5-11); storing the user data in the base station (col. 5, lines 30-32 and lines 44-46); transmitting a download request signal for the user data stored in the base station from a second mobile terminal to the base station by connecting the second mobile terminal with the base station (col. 5, lines 47-50 and col. 6, lines 11-18); and downloading the user data from the base station to the second mobile terminal (col. 5, lines 58-63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 3, 5, 7, 8, 10, 12, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara.

Regarding claim 3, Alanara discloses the method of claim 2 as described above, and further discloses the base station, at the end of completion of the SCM Backup Data operation, transmitting to the mobile station a Backup Response Message indicating success or failure of the SCM Backup operation, and the mobile station receiving the Response Message (which reads on the transmit/receive mutual complete commander) (col. 5, lines 21-29). It should also be pointed out that the base station can determine if the mobile station is finished transmitting the user data (SCM data) because the SCM Backup Data Message includes a data field which indicates how many bits of information is desired to be stored (col. 6, lines 27-49).

Alanara, however, fails to specifically disclose ending radio connection between the base station and the mobile station after the transmit/receive mutual commander.

The examiner, however, takes official notice that ending radio connection between a base station and a mobile station is very well known in the art, particularly after a desired task or function is successfully performed, such as call completion, and the like. Since Alanara teaches a successful completion of a desired task (successful backup of data) (col. 5, lines 21-27, lines 44-46), at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara by specifically ending the connection between the base station and the mobile station in order to save system resources for another mobile station trying to communicate

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with the base station, or even if the user of the mobile station desires to save battery power, by powering off the phone after successful completion of the task at hand.

Regarding claim 5, Alanara discloses the method of claim 2 as described above. Alanara, however, fails to specifically disclose wherein the user data are transmitted to the base station together with a phone number of the first mobile terminal and then stored in the base station using the phone number as an address.

Alanara does disclose inherently, identifying means transmitted to the base station from the mobile station along with the user SCM data as evidenced by the fact that the Backup data is stored in the base station in memory locations associated with the transmitting mobile station (col. 5, lines 30-32). Thus, an address (identifier) must be transmitted along with the SCM data to ensure that the SCM data is stored in the appropriate memory location. Alanara, further discloses that numerous mobile stations can store SCM data within the same base station (col. 4, lines 34-37), thereby necessitating the use of different mobile station identifiers for storing user data associated with each user.

Although Alanara is silent to the identifying data used for storing user information, the examiner takes official notice that the use of telephone numbers of a mobile station are often used in communication systems as memory addresses in order to store information associated with the user/mobile station of the communication system.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara such that the telephone number of a mobile station is used as

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the address associated with user data stored in the base station since the telephone numbers (MIN/Mobile Identification Number) are used to identify and differentiate different mobile stations.

Regarding claim 7, Alanara discloses the method of claim 6 as described above. Alanara also discloses, wherein step (b) further comprises the mobile station, at the end of completion of the SCM Download operation, transmitting to the base station a Download Response Message indicating success or failure of the SCM Download operation, and the base station receiving the Response Message (which reads on the transmit/receive mutual complete commander) (col. 6, line 66-col. 7, line 10). It should also be pointed out that the mobile station can determine if the base station is finished transmitting the user data (SCM data) because an SCM Download Request Message sent from the base station to the mobile station includes a data field which indicates how many bits of information is to be stored (col. 6, lines 27-49).

Alanara, however, fails to specifically disclose ending radio connection between the base station and the mobile station after the transmit/receive mutual commander.

The examiner, however, takes official notice that ending radio connection between a base station and a mobile station is very well known in the art, particularly after a desired task or function is successfully performed, such as call completion, and the like. Since Alanara teaches a successful completion of a desired task (successful downloading of data) (col. 5, line 66-col. 6, line 10), at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara by specifically ending the connection between the base station and the

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mobile station in order to save system resources for another mobile station trying to communicate with the base station, or even if the user of the mobile station desires to save battery power, by powering off the phone after successful completion of the task at hand.

Regarding claim 8, Alanara discloses the method of claim 7 as described above. Alanara, however, fails to specifically disclose step (b) to further include clearing the user data transmitted from the base station to the second mobile station if connection between the base station and the second mobile terminal is ended.

The examiner contends, however, that clearing base station memory data after successful completion of retrieving information from the memory is well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara by clearing the base stations memory after successfully downloading user data to a second mobile station for the purpose of freeing up memory space for other mobile stations desiring to store backup user information.

Regarding claim 10, Alanara discloses the method of claim 6 as described above and further discloses downloading the user data using some type of inherent identifier. Alanara, however, fails to specifically disclose downloading the user data using a phone number corresponding to the user data to be downloaded as an address.

However, as mentioned above with reference to claim 5, Alanara discloses the inherent use of different identifier means used for storing and differentiating user SCM data for multiple

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mobile stations. Although Alanara is silent as to how the second mobile station is identifying to the base station, the desired address to be accessed for downloading purposes, the examiner takes official notice that the use of telephone numbers of mobile stations are often used in communication systems as memory addresses, and thus, for identification purposes, also used to request or access information stored in the address.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara to use a telephone number to download user data to a second mobile station to be downloaded as an address for the purpose of allowing the base station to differentiate which memory address to access for downloading to the second mobile station since telephone numbers (MIN) are used to identify and differentiate between mobile stations.

Regarding claim 12, Alanara discloses the method of claim 11 as described above, and further discloses the base station, at the end of completion of the SCM Backup Data operation, transmitting to the mobile station a Backup Response Message indicating success or failure of the SCM Backup operation, and the mobile station receiving the Response Message (which reads on the transmit/receive mutual complete commander) (col. 5, lines 21-29). It should also be pointed out that the base station can determine if the mobile station is finished transmitting the user data (SCM data) because the SCM Backup Data Message includes a data field which indicates how many bits of information is desired to be stored (col. 6, lines 27-49).

Alanara, however, fails to specifically disclose ending radio connection between the base station and the mobile station after the transmit/receive mutual commander.

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The examiner, however, takes official notice that ending radio connection between a base station and a mobile station is very well known in the art, particularly after a desired task or function is successfully performed, such as call completion, and the like. Since Alanara teaches a successful completion of a desired task (successful backup of data) (col. 5, lines 21-27, lines 44-46), at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara by specifically ending the connection between the base station and the mobile station in order to save system resources for another mobile station trying to communicate with the base station, or even if the user of the mobile station desires to save battery power, by powering off the phone after successful completion of the task at hand.

Regarding claim 14, Alanara discloses the method of claim 11 as described above. Alanara, however, fails to specifically disclose wherein the user data are transmitted to the base station together with a phone number of the first mobile terminal and then stored in the base station using the phone number as an address.

Alanara does disclose inherently, identifying means transmitted to the base station from the mobile station along with the user SCM data as evidenced by the fact that the Backup data is stored in the base station in memory locations associated with the transmitting mobile station (col. 5, lines 30-32). Thus, an address (identifier) must be transmitted along with the SCM data to ensure that the SCM data is stored in the appropriate memory location. Alanara, further discloses that numerous mobile stations can store SCM data within the same base station (col. 4,

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lines 34-37), thereby necessitating the use of different mobile station identifiers for storing user data associated with each user.

Although Alanara is silent to the identifying data used for storing user information, the examiner takes official notice that the use of telephone numbers of a mobile station are often used in communication systems as memory addresses in order to store information associated with the user/mobile station of the communication system.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara such that the telephone number of a mobile station is used as the address associated with user data stored in the base station since the telephone numbers (MIN/Mobile Identification Number) are used to identify and differentiate different mobile stations.

Regarding claim 15, Alanara discloses the method of claim 11 as described above. Alanara also discloses, wherein downloading the user data stored in the base station to a second mobile station further comprises the mobile station, at the end of completion of the SCM Download operation, transmitting to the base station a Download Response Message indicating success or failure of the SCM Download operation, and the base station receiving the Response Message (which reads on the transmit/receive mutual complete commander) (col. 6, line 66-col. 7, line 10). It should also be pointed out that the mobile station can determine if the base station is finished transmitting the user data (SCM data) because an SCM Download Request

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Message sent from the base station to the mobile station includes a data field which indicates how many bits of information is to be stored (col. 6, lines 27-49).

Alanara, however, fails to specifically disclose ending radio connection between the base station and the mobile station after the transmit/receive mutual commander.

The examiner, however, takes official notice that ending radio connection between a base station and a mobile station is very well known in the art, particularly after a desired task or function is successfully performed, such as call completion, and the like. Since Alanara teaches a successful completion of a desired task (successful downloading of data) (col. 5, line 66-col. 6, line 10), at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara by specifically ending the connection between the base station and the mobile station in order to save system resources for another mobile station trying to communicate with the base station, or even if the user of the mobile station desires to save battery power, by powering off the phone after successful completion of the task at hand.

Regarding claim 16, Alanara discloses the method of claim 15 as described above. Alanara, however, fails to specifically the step of disclose downloading the user data stored in the base station to the second mobile terminal to further include clearing the user data transmitted from the base station to the second mobile station if connection between the base station and the second mobile terminal is ended.

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The examiner contends, however, that clearing base station memory data after successful completion of retrieving information from the memory is well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara by clearing the base stations memory after successfully downloading user data to a second mobile station for the purpose of freeing up memory space for other mobile stations desiring to store backup user information.

Regarding claim 18, Alanara discloses the method of claim 6 as described above. Alanara, however, fails to disclose downloading the user data using a phone number corresponding to the user data to be downloaded as an address.

However, as mentioned above with reference to claim 5, Alanara discloses the inherent use of different identifier means used for storing and differentiating user SCM data for different mobile stations. Although Alanara is silent as to how the second mobile station is identifying to the base station, the desired address to be accessed for downloading purposes, the examiner takes official notice that the use of telephone numbers of mobile stations are often used in communication systems as memory addresses, and thus, for identification purposes, also used to request or access information stored in the address.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara to use a telephone number to download user data to a second mobile station to be downloaded as an address for the purpose of allowing the base station to

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differentiate which memory location to access for downloading to the second mobile station since telephone numbers (MIN) are used to identify and differentiate between mobile stations.

6. Claims 4, 9, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Hayes, Jr (Hayes), U.S. Patent No. 5,894,596.

Regarding claims 4 and 13, Alanara discloses the method of claims 2 and 11 as described above including transmitting a backup request signal (col. 4, lines 1-53, col. 5, lines 1-5). Alanara, however, fails to disclose first inputting into the mobile station, a password related to maintenance.

In a similar field of endeavor, Hayes discloses a method/apparatus in a wireless communications system for programming the memory of new or refurbished telephones (col. 10, lines 31-44).

Hayes further discloses that a mobile station memory can't be accessed for resetting of an activation date (which reads on a maintenance procedure) unless a specific command (which reads on the password) is entered in the mobile station by an authorized person (col. 10, line 44-col. 11, line 21).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara with the use of inputting a maintenance password as taught by Hayes for the purpose of ensuring security to the mobile stations memory in order to prevent unwanted tampering with valuable user information stored therein.

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Regarding claims 9 and 17, Alanara discloses the method of claims 6 and 11 as described above including transmitting a download request signal (which reads on the SCM Request/Restore message sent from the second mobile station) (col. 5, lines 47-50 and col. 6, lines 11-18). Alanara, however, fails to disclose first inputting into the mobile station, a password related to maintenance.

In a similar field of endeavor, Hayes discloses a method/apparatus in a wireless communications system for programming the memory of new or refurbished telephones (col. 10, lines 31-44).

Hayes further discloses that a mobile station memory can't be accessed for resetting of an activation date (which reads on a maintenance procedure) unless a specific command (which reads on the password) is entered in the mobile station by an authorized person (col. 10, line 44- col. 11, line 21).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alanara with the use of inputting a maintenance password as taught by Hayes for the purpose of ensuring security to the mobile stations memory in order to prevent unwanted tampering with valuable user information stored therein.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turner, U.S. Patent No. 6,041,229, discloses transferring memory information between two mobile stations via a data transfer means.

Littig et al, U.S. Patent No. 5,524,276, discloses a universal radio with an adaptive memory for transferring information from a defective radio to a repaired or replaced radio.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 customer service whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for any communications intended for entry).

TMD
March 20, 2003


TEMICA M. DAVIS
PATENT EXAMINER